

REMARKS

Status of the Claims

Claims 1 and 5 are amended.

New claims 10-12 are added.

The Drawings

In the Office Action of December 4, 2003, the Drawings were objected to as being photographs. Applicants submit herewith an Appendix with proposed substitute drawings.

The Claims

Claims 1-5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Gray, et al., U.S. Patent No. 5,782,346.

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Gray, et al., in view of Hansen, U.S. Patent No. 5,884,456.

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Gray, et al.

For the reasons outlines below, it is submitted that the claims are patentable.

Claim 1 recites packaging or display device for packaging or displaying a product that in use secures an object. The packaging device includes a backing card. The backing card includes an object portion that visually simulates the object. The object portion and the backing card comprise a single piece of material. The object portion cooperates with the product to secure the product to the backing card and to visually simulate the product securing the object when the product is used.

Support for the amendments to claim 1 are to be found in the abstract, at lines 4 and 7.

Gray, et al. makes no suggestion of such a packaging or display device. Gray discloses a tray **10** for holding a razor **12**, therein. The tray includes a polystyrene base member **18**, with an upper surface **34**, and a clear plastic platform member **20**, secured to the base member. A projecting structure **28** extends from the base member and has fingers **26** for gripping the razor **12**.

The Examiner suggests that the upper surface **34** of Gray's tray simulates an object, which is considered to be the razor **12**. However, Gray's tray surface **34** does not visually simulate the razor, in its outline, graphical features, or other features.

The Examiner further suggests that Gray's transparent platform **20** and projecting post structure **28** constitute a product and that the tray surface **34** cooperates with these elements to secure them to a backing card and to simulate a product securing an object when the product is used.

The tray surface **34** of Gray does not cooperate with the platform **20** and projecting post structure **28** to **visually simulate** a product securing an object when the product is used, as presently claimed. Rather, the platform **20** and projecting post structure **28** of Gray **actually secure** the object--a razor. There is no **simulation** of securement.

The **Hansen** patent, which was cited against claim 6, does not supply the deficiencies of the primary reference. Hansen's display card, illustrated in FIGS. 11 and 12, does not simulate a product securing an object when the product is used.

With respect to dependent **claim 5**, amendments are supported by the specification at page 5, paragraph 2. There is no suggestion in Gray of an object portion which is a die-cut to provide an outline of the object to be held. The upper surface

34 of Gray, which the Examiner likens to an object portion, is not a die cut, nor does it provide an outline of the razor to be held by Gray's device.

Accordingly, it is submitted that claim 1, and claims 2-7 dependent therefrom, distinguish patentably and unobviously over the references of record.

New dependent **claim 8** further recites the device of claim 2, wherein the object portion is configured for being held by the product. Support for claim 8 is to be found in the specification at page 4, first paragraph.

Neither Gray nor Hansen discloses an object portion which is configured for being held by a product. The Examiner likens Gray's upper surface **34** to an object portion. However, this surface is not configured for being held by the tray **20** or projecting structure **28** of Gray.

Accordingly, it is submitted that dependent claim 8 further distinguishes over the references of record.

New dependent **claim 9** recites the device of claim 2, wherein the object portion is embellished with at least a portion of a graphic image of the object to assist in visually simulating the product securing the object when the product is used.

Support for new claim 9 is to be found in the specification at page 5, second paragraph.

The references cited do not suggest embellishing an object portion with at least a portion of a graphic image of the object to assist in visually simulating the product securing the object when the product is used. The Examiner asserts that Hansen teaches that it is desirable to provide graphics on a package display to depict the object or the use of the product. However, there is no suggestion in Hansen of using a graphically

embellished object portion to assist in visually simulating a product securing an object.

New **claim 10** recites a packaging or display device for packaging or displaying an associated product that in use secures an object. The device includes a backing card and an object portion that depicts the object. The object portion and the backing card comprise a single planar piece of material. The object portion is partially separable from the backing card to receive a portion of the product therebetween. The object portion cooperates with the product to selectively secure the product to the backing card and to simulate the product securing the object when the product is used.

Support for new claim 10 is to be found in original claim 1 and in FIGURE 1 of the application, as filed.

The cited references do not suggest an object portion and a backing card formed from a single planar piece of material where the object portion is partially separable from the backing portion to receive a portion of a product therebetween. The upper surface **34** of Gray, which the Examiner likens to an object portion, is not partially separable from the rest of Gray's tray to receive Gray's razor therebetween.

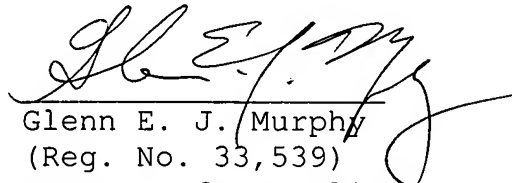
Accordingly, it is submitted that claim 10, and claims 11-12 dependent therefrom, are patentable over the references of record.

CONCLUSION

In view of the amendments and remarks above, Applicants ask for reconsideration and allowance of all pending claims (claims 1-12). Applicants further ask for extension of the period for response to be extended three months to June 4, 2004 and authorize a charge to Deposit Account No. 01-1250 in the amount

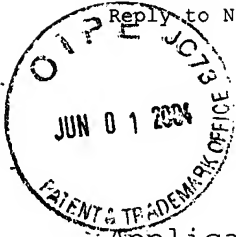
of \$950.00 for the extension fee. Order No. 04-0196. Should any fees be due for entry and consideration of this Amendment that have not been accounted for, the Commissioner is authorized to charge them to Deposit Account No. 01-1250.

Respectfully submitted,


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael T. Woos
Appl. No.: 10/085,793
Filed: February 26, 2002
Title: DISPLAY BACKING CARD
Art Unit: 3728
Examiner: Jila M. Mohandesi
Customer No.: 00423
Confirm. No.: 8672
Last Office Action: December 4, 2003

APPENDIX

Applicants request approval for the substitution of line drawings for Figures 1-5 (photographs).

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